

# ELLIS:LAWHORNE

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February 2, 2004

## VIA ELECTRONIC AND 1ST CLASS MAIL SERVICE

The Honorable Bruce Duke  
Executive Director  
**South Carolina Public Service Commission**  
Post Office Drawer 11649  
Columbia, South Carolina 29211

RE: Analysis of Continued Availability of Unbundled Local Switching for Mass  
Market Customers Pursuant to the Federal Communication Commission's  
Triennial Review Order  
**Docket No. 2003-326-C, Our File No. 611-10158**

Dear Mr. Duke:

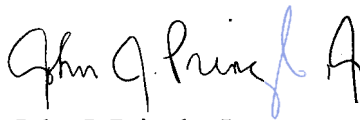
Enclosed is the original and fifteen (15) copies of **AT&T's Motion to Require BellSouth to Respond to Discovery** for filing on behalf of AT&T Communications of the Southern States, LLC ("AT&T") in the above-referenced docket.

Please acknowledge your receipt of this document by file-stamping the copy of this letter enclosed, and returning it in the envelope provided.

If you have any questions or need additional information, please do not hesitate to contact me.

With kind regards, I am

Very truly yours,



John J. Pringle, Jr.

JJP/cr  
Attachments

cc: Patrick Turner [via electronic mail]  
Ms. Sonia Daniels [via electronic mail]  
all parties of record [via electronic mail]

1 Carolina Proceeding/LocalSwitching/Motions/Duke.Motion.1

**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-326-C**

IN RE:

Analysis of Continued Availability of Unbundled    )  
Local Switching for Mass Market Customers        )  
Pursuant to the Federal Communications            )  
Commission's Triennial Review Order               )  
\_\_\_\_\_)

**AT&T'S MOTION TO REQUIRE BELL SOUTH  
TO RESPOND TO DISCOVERY**

COMES NOW, AT&T Communications of the Southern States, LLC ("AT&T") and requests that the South Carolina Public Service Commission ("Commission") enter an Order requiring BellSouth Telecommunications, Inc. ("BellSouth") to disclose certain information in its possession concerning competitive local exchange company ("CLEC") firms that BellSouth claims are self providers of mass market local switching in the above referenced matter in response to discovery propounded by AT&T.

In support thereof, AT&T states as follows:

1. On January 29, 2004, BellSouth filed the Direct Testimony of Pamela A. Tipton in the above-referenced matter in which Ms. Tipton identified certain CLECs as "triggers" and self-providers of local switching to serve mass market customers within the meaning of the Federal Communications Commission's ("FCC") Triennial Review Order ("TRO"). In that testimony, Ms Tipton indicates that she relied on certain business records maintained by BellSouth. These business records contain information concerning many CLECs to whom BellSouth provides wholesale services and unbundled network elements.

2. On February 2, 2004, AT&T served BellSouth with its Second Set of Interrogatories (Nos. 113-117) (Attached as Exhibit A) requesting information concerning the CLECs identified in Ms. Tipton's testimony as "trigger" candidates and requesting additional information seeking CLEC name information.

3. Based on past experience and discussions with BellSouth, AT&T is informed and believes that BellSouth has concerns that these business records may contain Customer Proprietary Network Information ("CPNI") and may be protected by FCC rules governing such information.

4. AT&T and BellSouth agree that AT&T and other parties (i.e. CompSouth) who have signed a Confidentiality Agreement to maintain the confidentiality of such information are entitled to review information concerning the CLECs identified and proffered by BellSouth as trigger candidates in the above referenced proceeding.

5. In an attempt to informally resolve this matter, AT&T and BellSouth have discussed conditions under which BellSouth would agree to provide this information. BellSouth, through counsel, has indicated that, subject to its right to lodge other appropriate discovery objections, BellSouth would provide this information pursuant to an Order of this Commission directing that such information be disclosed with appropriate conditions to protect the confidential nature of the information being disclosed. BellSouth has indicated that it has no objection to such an Order being entered and would make best efforts to provide this information by February 16, 2004 so long as the Commission has entered the appropriate Order by that date; or, within three (3) business days from the date of a Commission Order.

THEREFORE, based on the forgoing, AT&T respectfully requests that:

(a) The Commission enter the proposed Order attached hereto as Exhibit B, directing that BellSouth provide the information requested by AT&T in Second Set of Interrogatories (Nos. 113-117); and

(b) The Commission order BellSouth to make its best efforts to provide this information by February 16, 2004, subject to the full protections of the Confidentiality Agreement executed between AT&T, CompSouth, and BellSouth.

Respectfully Submitted, this \_\_\_\_\_ day of February, 2004.

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(803) 779-0066  
Attorney for AT&T Communications of the  
Southern States, LLC

**EXHIBIT A**

**AT&T'S SECOND SET OF INTERROGATORIES (NOS. 113-117) TO  
BELLSOUTH SERVED FEBRUARY 2, 2004.**

**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-326-C**

IN RE:

Analysis of Continued Availability of Unbundled     )  
Local Switching for Mass Market Customers         )  
Pursuant to the Federal Communications             )  
Commission's Triennial Review Order               )  
\_\_\_\_\_)

**AT&T COMMUNICATIONS OF THE SOUTHERN STATES, LLC'S  
SECOND SET OF INTERROGATORIES (NOS. 113-117)  
TO BELL SOUTH TELECOMMUNICATIONS, INC.**

AT&T Communications of the Southern States, LLC ("AT&T"), hereby serves its Second Set of Interrogatories to BellSouth Telecommunications, Inc. ("BellSouth").

**DEFINITIONS**

1. "BellSouth" means BellSouth Telecommunications, Inc., and its parents, subsidiaries, and affiliates, their present and former officers, employees, agents, representatives, directors, and all other persons acting or purporting to act on behalf of BellSouth Telecommunications, Inc.
2. The terms "you" and "your" refer to BellSouth.
3. "CLEC" means a "Competitive Local Exchange Carrier," as defined in 47 U.S.C. § 153(26), which is not an "incumbent local exchange carrier" as defined in 47 U.S.C. § 251(h).
4. "AT&T" means AT&T Communications of the Southern States, LLC, its subsidiaries and affiliates, their present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of AT&T.
5. The term "person" means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.

6. The term "document" shall have the broadest possible meaning under applicable law. "Document" means every writing or record of every type and description that is in the possession, custody or control of BellSouth, including, but not limited to, correspondence, memoranda, drafts, workpapers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, minutes or statistical compilations, computer and other electronic records or tapes or printouts, including, but not limited to, electronic mail files; and copies of such writings or records containing any commentary or notation whatsoever that does not appear in the original. The term "document" further includes, by way of illustration and not limitation, schedules, progress schedules, time logs, drawings, computer disks, charts, projections, time tables, summaries of other documents, minutes, surveys, work sheets, drawings, comparisons, evaluations, laboratory and testing reports, telephone call records, personal diaries, calendars, personal notebooks, personal reading files, transcripts, witness statements and indices.

7. The term "communication" means any oral, graphic, demonstrative, telephonic, verbal, electronic, written or other conveyance of information, including, but not limited to, conversations, telecommunications and documents.

8. The term "referring or relating to" means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

9. "And" and "or" as used herein shall be construed both conjunctively and disjunctively and each shall include the other whenever such construction will serve to bring within the scope of these discovery requests any information that would otherwise not be brought within their scope.

10. "Affiliate" or "affiliated" means an entity that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, another entity.

11. The singular as used herein shall include the plural, and vice versa, and the masculine gender shall include the feminine and the neuter.

12. "Identify" or "identifying" or "identification" when used in reference to a natural person means to state:

- a) the full legal name of the person;
- b) the name, title and employer of the person at the time in question;
- c) the present or last known employer of such person;
- d) the present or last known home and business addresses of the person; and
- e) the present home address.

13. "Identify" or "identifying" or "identification" when used in reference to a person other than a natural person means to state:

- a) the full name of the person and any names under which it conducts business;
- b) the present or last known address of the person; and
- c) the present or last known telephone number of the person.

14. "Identify" or "identifying" or "identification" when used in reference to a document means to provide with respect to each document requested to be identified by these discovery requests a description of the document that is sufficient for purposes of a request to produce or a subpoena duces tecum, including the following:

- a) the type of document (e.g., letter, memorandum, etc.);



- b) the date of the document;
- c) the title or label of the document;
- d) the Bates number or other identifier used to number the document for use in litigation;
- e) the identity of the originator;
- f) the identity of each person to whom it was sent;
- g) the identity of each person to whom a copy or copies were sent;
- h) a summary of the contents of the document;
- i) the name and last known address of each person who presently has possession, custody or control of the document; and
- j) if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and, if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.

15. "Identify," "identifying" or "identity" when used in reference to a communication means to state the date of the communication, whether the communication was written or oral, the identity of all parties and witnesses to the communication, the substance of what was said and/or transpired and, if written, the identity of the document(s) containing or referring to the communication.

16. "Hot cut" refers to the entire process necessary to physically transfer from one carrier to another a working voice grade access line that remains working after the transfer.

17. “Bulk Hot Cut” refers to any hot cut(s) performed by BellSouth in which multiple customers of a CLEC are migrated to the CLEC or to a different network configuration (UNE-P to UNE-L), and managed by BellSouth as a joint migration event or project.

18. “Individual Hot Cut” refers to all hot cuts that are not bulk hot cuts.

19. “Access Line” refers to a working analogue voice grade access line used to serve residential and small business customers, or a working voice grade line served by Digital Loop Carrier Systems (“DLC”) that is used for serving residential and small business customers. “Access Line” does not, for example, include high capacity systems such as DS1 and ISDN-PRI.

20. Digital Loop Carrier (“DLC”) includes IDLC (integrated) UDLC (Universal) and NGDLC (Next Generation).

21. “ILEC” refers to Incumbent Local Exchange Carrier.

22. “CLLI code” refers to Common Language Location Identifier.

23. “CO” refers to Central Office.

24. “Coordinated cut over” refers to coordination of the loop migration from the ILEC switch to the CLEC switch.

25. “Coordinated time-specific cut over” refers to coordination of the loop migration from the ILEC switch to the CLEC switch at a time specified by the CLEC and agreed to by the ILEC.

26. “CWINS” refers to Customer Wholesale Interconnection Services.

27. “DSO” refers to Digital Signal, level zero.

28. “FCC” refers to the Federal Communications Commission.

29. “LCSC” refers to Local Carrier Service Center.

30. “LSR” refers to Local Service Request.

31. “MDF” refers to Main Distribution Frame.
32. “OSS” refers to Operational Support Systems.
33. “PIC” refers to Primary Interexchange Carrier.
34. “SEEM” refers to Self Effectuating Enforcement Mechanism.
35. “UNE” refers to Unbundled Network Element.
36. “UNE-L” refers to Unbundled Network Element-Loop.
37. “UNE-P” refers to Unbundled Network Element –Platform.
38. “LIDB” refers to Line Information Database.
39. “MSA” refers to Metropolitan Statistical Area.
40. “LATA” refers to Local Access and Transport Area.
41. Unless otherwise stated, information requests refer to BellSouth’s nine-state region.

### **GENERAL INSTRUCTIONS**

1. If you contend that any response to any Interrogatory may be withheld under the attorney-client privilege, the attorney work product doctrine or any other privilege or basis, please state the following with respect to each such response in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:

- a) the privilege asserted and its basis;
- b) the nature of the information withheld; and
- c) the subject matter of the document, except to the extent that you claim it is privileged.

2. These discovery requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These discovery requests are intended to include requests for information, which is physically within your possession, custody

or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.

3. If any Interrogatory cannot be answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.

4. These interrogatories are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these interrogatories subsequently become known.

5. For each Interrogatory, provide the name of the company witness(es) or employee(s) responsible for compiling and providing the information contained in each answer.

6. To the extent BellSouth has previously provided a response to any Interrogatory, which prior response is responsive to any of the following Interrogatories, in BellSouth's nine-state region or any other state in proceedings in which BellSouth and AT&T are parties, BellSouth need not respond to such Interrogatory again, but rather may respond to such Interrogatory by identifying the prior response to such Interrogatory by state, proceeding, docket number, date of response, and the number of such response. If such prior response does not respond to the Interrogatory contained below in its entirety, you should provide all additional information necessary to make your answers to these Interrogatories complete.

## INTERROGATORIES

113. Please indicate the number of “ported” residential telephone numbers to each CLEC, in each market listed in BellSouth Witness Pamela A. Tipton Direct Testimony Exhibit PAT-5. Please provide this information, if available, by month and by CLEC over the past 24 months or whatever time period Ms. Tipton relied on for her testimony.

114. Please indicate the number of “extracted” business class loops to each CLEC, in each market listed in BellSouth Witness Pamela A. Tipton Direct Testimony Exhibit PAT-5. Please provide this information, if available, by month and by CLEC over the past 24 months or whatever time period Ms. Tipton relied on for her testimony.

115. Please provide for the last eighteen months, by month, by market, by wire center within the market, and by CLEC the number of:

- a. 2-Wire UNE loops;
- b. 4-Wire UNE loops;
- c. DS1 UNE loops;
- d. DS3 UNE loops;
- e. DS0 EELs;
- f. DS1 EELs;
- g. DS3 EELs;
- h. T-1 Special Access lines; and
- i. DS3/T-3 Special Access lines

provisioned to the CLECs listed in BellSouth Witness Pamela A. Tipton Direct Testimony Exhibit PAT-5.

116. Please provide all information “related to the actual deployment that exists in 7 of the 10 markets.” Including at a minimum:

- a. The identity each of the switches claimed to be providing service to mass market customers, by owner, location and CLI code;
- b. The number of mass market customers claimed to be served from each switch;
- c. The number of “ported” residential telephone numbers to each CLEC, in each market listed. Please provide this information, if available, by month and by CLEC over the past 24 months;
- d. The number of “extracted” business class loop to each CLEC, in each market listed. Please provide this information, if available, by month and by CLEC over the past 24 months;
- e. For the last eighteen months, by month, by market, by wire center within the market, and by CLEC the number of:
  - i. 2W UNE loops;
  - ii. 4W UNE loops;
  - iii. DS1 UNE loops;
  - iv. DS3 UNE loops;

- v. DS0 EELs;
- vi. DS1 EELs;
- vii. DS3 EELs;
- viii. T-1 Special Access lines;
- ix. DS3/T-3 Special Access lines;

provisioned to the CLECs listed in BellSouth Witness Pamela A. Tipton Direct Testimony Exhibit PAT-7.

117. Referring to the Direct Testimony of Pamela A. Tipton at page 7, lines 18 and 19 please provide a listing of the BellSouth wire centers in each of the 16 markets proposed.

Submitted this 2nd day of February, 2004.

/S/

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John J. Pringle, Jr.  
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5<sup>th</sup> Floor  
Columbia, SC 29201  
803-779-0066  
Attorney for AT&T Communications of the  
Southern States, LLC

**EXHIBIT B**

**PROPOSED ORDER GRANTING AT&T'S MOTION  
TO REQUIRE BELLSOUTH TO RESPOND TO DISCOVERY**

**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-326-C**

IN RE:

Analysis of Continued Availability of Unbundled    )  
Local Switching for Mass Market Customers        )  
Pursuant to the Federal Communications            )  
Commission's Triennial Review Order              )  
\_\_\_\_\_)

**ORDER GRANTING AT&T'S  
MOTION TO REQUIRE BELL SOUTH TO RESPOND TO DISCOVERY**

On February 2, 2004, AT&T Communications of the Southern States, LLC ("AT&T") filed a Motion to Require BellSouth Telecommunications, Inc. ("BellSouth") to Disclose Certain Information contained in BellSouth's business records concerning competitive local exchange carriers ("CLECs") identified as self-providers of local switching to serve the mass market in the Direct testimony of BellSouth's Witness Pamela A. Tipton. With that Motion, AT&T attached its Second Set of Interrogatories that were served on BellSouth on February 2, 2004.

In that Motion, AT&T represented that BellSouth was concerned that the information requested may consist of Customer Proprietary Network Information ("CPNI") with restrictions upon disclosure absent an Order from this Commission. BellSouth has no objection to the entry of such an Order so long as the appropriate protections for the confidential nature of the information are contained in the Order.

Based on the representations contained in AT&T's Motion, and in the interest of having a full and complete record presented to the Commission in the above-referenced Docket, good cause exists that BellSouth shall provide the information sought by AT&T in its Second Set of Interrogatories that were served on BellSouth on February 2, 2004, subject to its right to lodge other appropriate discovery objections, and that such information shall be subject to all the protections contained in the Confidentiality Agreement between the parties to this Docket. As agreed to by the parties, BellSouth shall make its best efforts to provide this information to AT&T, all other parties of record that have entered into the appropriate protective agreements, and to the Commission within three business days from the date of this Order.

Good causes exists that BellSouth and other parties to this proceeding may file with this Commission and, may provide to parties of record that have entered into the appropriate protective agreements, information that may consist of or that may contain CPNI in order to facilitate the timely exchange of information.



IT IS, THEREFORE, SO ORDERED

This the \_\_\_\_ day of February, 2004.

SOUTH CAROLINA PUBLIC SERVICE COMMISSION

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**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-326-C**

IN RE: )

Analysis of Continued Availability of )  
Unbundled Local Switching for Mass )  
Market Customers Pursuant to the Federal )  
Communication Commission's Triennial )  
Review Order )

**CERTIFICATE OF SERVICE**

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This is to certify that I have caused to be served this day, one (1) copy of **AT&T's Motion to Require BellSouth to Respond to Discovery** via electronic mail service:.

David Butler, Esquire  
**South Carolina Public Service Commission**  
PO Drawer 11649  
Columbia, SC 29211

Elliott Elam, Staff Attorney  
**SC Department of Consumer Affairs**  
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\_\_\_\_\_  
Carol Roof

February 2, 2004

Columbia, South Carolina

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